

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
	:	
Mayumi KOTANI <i>et al.</i>	:	Confirmation No.: 3456
	:	
U.S. Application No: 10/537,339	:	Examiner: Hoffman, Susan Coe
	:	
Filed: June 2, 2005	:	Group Art Unit: 1655
	:	

For: A METHOD OF ENHANCING BLOOD ANTIOXIDANT ACTIVITY INGESTING A COMPOUND IN THE FORM OF AT LEAST ONE FORM SELECTED FROM AMONGST JUICE, POWDER, GRANULE, TABLET AND CAPSULE, WHICH CONTAINS AN EFFECTIVE AMOUNT OF AT LEAST ONE VEGETABLE SELECTED FROM THE GROUP CONSISTING OF BROCCOLI, SPINACH, PARSLEY, KOMATSUNA (BRASSICA RAPA L.) AND JAPANESE RADISH LEAVES, AND AT LEAST ONE VEGETABLE SELECTED FROM AMONGST LETTUCE, CABBAGE AND CELERY.

REQUEST FOR CORRECTED FILING RECEIPT

April 15, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in receipt of a Corrected Filing Receipt forwarded from the U.S. Patent and Trademark Office on March 2, 2010. In review of the Corrected Filing Receipt, we noticed an error in the title, which should be corrected as follows:

A ~~METHOS~~ METHOD OF ENHANCING BLOOD ANTIOXIDANT ACTIVITY INGESTING A COMPOUND IN THE FORM OF AT LEAST ONE FORM SELECTED FROM AMONGST JUICE, POWDER, GRANULE, TABLET AND CAPSULE, WHICH CONTAINS AN EFFECTIVE AMOUNT OF AT LEAST ONE VEGETABLE SELECTED FROM THE GROUP CONSISTING OF BROCCOLI, SPINACH, PARSLEY, KOMATSUNA (BRASSICA RAPA L.) AND JAPANESE RADISH LEAVES, AND AT

LEAST ONE VEGETABLE SELECTED FROM AMONGST LETTUCE, CABBAGE AND CELERY.

Submitted herewith are a marked-up copy of the Filing Receipt and a copy of the Amendment as filed July 13, 2007 to support the corrections noted herein.

Applicants respectfully request that the records of the U.S. Patent and Trademark Office be corrected, and that a second Corrected Filing Receipt be issued immediately.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

/Kendrew H. Colton/

Kendrew H. Colton
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/537,339	06/02/2005	1655	1850	8156/84352	23	7

CONFIRMATION NO. 3456

CORRECTED FILING RECEIPT

42798
FITCH, EVEN, TABIN & FLANNERY
P. O. BOX 18415
WASHINGTON, DC 20036



Date Mailed: 03/02/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

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Akihito Fujita, Takatsuki-shi, JAPAN;
Masahiro Matsuura, Takatsuki-shi, JAPAN;
Taketoshi Makino, Settsu-shi, JAPAN;

Assignment For Published Patent Application

Sunstar Inc., Takatsuki-shi, Osaka, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number 42798

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP03/15572 12/05/2003

Foreign Applications

JAPAN 2002-354919 12/06/2002

JAPAN 2003-101496 04/04/2003

If Required, Foreign Filing License Granted: 03/02/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/537,339**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD

A METHOD OF ENHANCING BLOOD ANTIOXIDANT ACTIVITY INGESTING A COMPOUND
IN THE FORM OF AT LEAST ONE FORM SELECTED FROM AMONGST JUICE, POWDER,

GRANULE, TABLET AND CAPSULE, WHICH CONTAINS AN EFFECTIVE AMOUNT OF AT LEAST ONE VEGETABLE SELECTED FROM THE GROUP CONSISTING OF BROCCOLI, SPINACH, PARSLEY, KOMATSUNA (BRASSICA RAPA L.) AND JAPANESE RADISH LEAVES, AND AT LEAST ONE VEGETABLE SELECTED FROM AMONGST LETTUCE, CABBAGE AND CELERY.

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Mayumi KOTANI et al.

Group Art Unit: 1655

Application No.: 10/537,339

Examiner: Amy Lynn CLARK

Filing Date: June 2, 2005

Attorney Docket No.: 8156/84352

Confirmation No.: 3456

Customer No.: 42798

AMENDMENT

MAIL STOP Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please enter this Amendment in response to the Office Action mailed April 13, 2007.

- (1) A new title is presented at page 2 of this paper.
- (2) Amendments to drawings are listed at page 3.
- (3) Amendments to the claims begin on page 4 of this paper.
- (3) Remarks begin on page 6.

Title of the Invention:

Please delete the original title, and insert, this new title:

A METHOD OF ENHANCING BLOOD ANTIOXIDANT ACTIVITY INGESTING A COMPOUND IN THE FORM OF AT LEAST ONE FORM SELECTED FROM AMONGST JUICE, POWDER, GRANULE, TABLET AND CAPSULE, WHICH CONTAINS AN EFFECTIVE AMOUNT OF AT LEAST ONE VEGETABLE SELECTED FROM THE GROUP CONSISTING OF BROCCOLI, SPINACH, PARSLEY, KOMATSUNA (BRASSICA RAPA L.) AND JAPANESE RADISH LEAVES, AND AT LEAST ONE VEGETABLE SELECTED FROM AMONGST LETTUCE, CABBAGE AND CELERY.

AMENDMENTS TO THE CLAIMS

The following listing of claims shall replace all prior versions, and listings, of claims in the application.

Listing of Claims:

Claims 1 -23 (Canceled).

24 (New). A method of enhancing blood antioxidant activity comprising ingesting at least one composition in at least one form selected from the group consisting of a juice, powder, granule, tablet or capsule, said composition comprising effective amounts of

(a) at least one vegetable selected from the group consisting of broccoli, spinach, parsley, *komatsuna* (*Brassica rapa* L.) and Japanese radish leaves; and

(b) a least one vegetable selected from the group consisting of lettuce, cabbage and celery.

25 (New). A method according to claim 24, wherein the composition has from 5.13 to 80 wt.% of (a) vegetable and 17 to 85 wt.% of (b) vegetable.

26 (New). A method according to claim 24, wherein the composition comprises effective amounts of broccoli, spinach, parsley, lettuce, cabbage and celery.

27 (New). A method according to claim 24, wherein the weight ratio of (a)

vegetable to (b) vegetable is about 1:1 to about 1:3, calculated as raw vegetable.

28 (New). A method according to claim 24, wherein said composition further comprises at least one member selected from the group consisting of bilberry extract, coenzyme Q10, astaxanthin, tocotrienol, pycnogenol, tea polyphenols, grape seed extract, methyl hesperidin, and brown rice powder.

Drawings:

Please delete the original FIG. 1, FIG. 2, and FIG. 3, and insert therefore the three sheets labeled "Replacement Sheet" (said label being pursuant to instruction from the Examiner) that are attached hereto.

REMARKS

Applicants present claims 24-28. Claims 1-23 stand withdrawn from consideration, and have been canceled without prejudice. New claim 24 replaces claim 21 and is supported throughout, including page 8, lines 29-32 and page 7, lines 24-27, as examples. New claim 25 is supported by the specification throughout, including page 8, lines 11-19, as an example, with the respective total amounts being derived from the sum for the (a) vegetables and (b) vegetables in the exemplified materials, such as Examples. See, e.g. Ex parte Jackson, 110 U.S.P.Q. (BNA) 561 (PTO Bd. App. 1956). New claims 27 and 28 are based in the original specification including original claims 3 and 4.

Applicants submit a new title.

New Fig. 1, Fig. 2 and Fig. 3 attached are attached hereto on separate sheets labeled "Replacement Sheet" per the Examiner's request. It is respectfully requested that these cleaner drawings be entered and accepted.

Applicants' claims 24-28 are supported by the original specification under 35 U.S.C. §112(¶1) and are definite under 35 U.S.C. §112(¶2) and. Reconsideration and withdrawal of rejections is respectfully requested.

The Example(s) support the new claims.

The terms found objectionable in former claim 21 have been replaced as seen from new claim 24.

The elected claims 24 - 28 define novel, unobvious inventions over the Strain et al. reference. Applicants' method of enhancing blood antioxidant activity comprises ingesting a composition that can be in form that may be from among a juice, powder, granule, tablet or capsule. The composition includes effective amounts of (a) at least one vegetable from among broccoli, spinach, parsley, *komatsuna* (*Brassica rapa* L.) and Japanese radish leaves; and (b) a least one vegetable from among lettuce, cabbage and celery. The Strain et al. reference does

not describe Applicants' claimed inventions. For instance, a composition that can be in a form that may be from among a juice, powder, granule, tablet or capsule with a combination of (a) and (b) as recited in claim 24 is neither disclosed nor described in the Strain et al. reference. The Strain et al. reference does not suggest the combination as recited in claim 24.

A Notice of Allowance is courteously solicited.

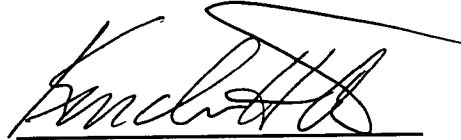
Date: July 13, 2007

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Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Kendrew H. Colton', written over a horizontal line.

Kendrew H. Colton
Registration No. 30,368